UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,024	07/10/2001	Yoshikatsu Ooi	1114-167	6305

23117 7590 06/14/2005		EXAMINER
NIXON & VANDERHYE, PC		MOORTHY, ARAVIND K
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ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/901,024	OOI, YOSHIKATSU
	Examiner	Art Unit
	Aravind K. Moorthy	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 May 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-30_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _10 July 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 21 March 2005.

2. Claims 1-30 are pending in the application.

3. Claims 1-30 have been rejected.

Response to Amendment

4. The examiner approves of the new title. The new title is more clearly indicative of the invention to which the claims are directed.

5. The examiner approves the new abstract. The abstract no longer exceeds the 150-word limit.

Response to Arguments

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson, Jr. U.S. Patent No. 5,857,020 (hereinafter Peterson).**

As to claim 1, Peterson discloses a communication apparatus for accessing a server connected through a network and fetching data stored in the server, comprising:

setting means for setting times for accessing the server based on inputted starting

time data, terminating time data, and number of times data or time interval data [column

6, lines 8-41];

storage means for storing the times set by the setting means on a weekly basis or

daily basis [column 6, lines 8-41]; and

control means for determining the times of accessing the server based on the data

stored in the storage means and the present day of the week or date, and fetching data

stored in the server by accessing the server at the determined times [column 8 line 52 to

column 9 line 32].

As to claim 2, Peterson discloses that the storage means stores a time period or date for

inhibiting access to the server. Peterson discloses that the control means makes no access to the

server based on the data stored in the storage means, during the access-inhibited time period or

date.

As to claim 3, Peterson discloses that the storage means sets and stores the access times

on a day of the week basis or date basis for plural servers [column 6, lines 8-41]. Peterson

discloses that the control means accesses each of the plural servers on the basis of the data stored

in the storage means [column 6, lines 8-41].

As to claim 4, Peterson discloses that the storage means sets and stores an

access-inhibited time period or date for each of plural servers [column 6, lines 8-41]. Peterson

discloses that the control means accesses each of the plural servers on the basis of the data stored

in the storage means [column 6, lines 8-41].

As to claim 5, Peterson discloses a communication apparatus for accessing a server connected through a network and fetching data stored in the server comprising:

setting means for determining access times to the server on the basis of inputted starting time data, terminating time data, and number of times data or time interval data [column 6, lines 8-41];

storage means for storing the times set by the setting means and a time period for inhibiting access to the server [column 6, lines 8-41]; and

control means for determining the access times to the server on the basis of the data stored in the storage means, and fetching data stored in the server by accessing the server at the determined times [column 6, lines 8-41], wherein during the access-inhibited time period, no access to the server is made [column 6, lines 8-41].

As to claim 6, Peterson discloses that the storage means stores the access times and the access inhibited time period for each of plural servers [column 6, lines 8-41]. Peterson discloses that the control means determines the access times to each of the plural servers on the basis of the data stored in the storage means [column 6, lines 8-41].

As to claim 7, Peterson discloses a communication apparatus for accessing a server connected through a network and fetching data stored in the server comprising:

setting means for determining access times to the server on the basis of inputted starting time data, terminating time data and number of times data [column 6, lines 8-41];

storage means for storing the times determined by the setting means [column 6, lines 8-41]; and

control means for accessing the server at the times stored in the storage means and fetching data stored in the server [column 6, lines 8-41],

wherein the setting means determines the times for accessing the server by avoiding any access-inhibited time periods to the server when the access-inhibited time periods have been inputted [column 6, lines 8-41].

As to claim 8, Peterson discloses that the setting means determines the access times to each of plural servers by avoiding each inhibiting time period inputted for each of the plural servers [column 6, lines 8-41]. Peterson discloses that the control means accesses each of the plural servers on the basis of the data stored in the storage means [column 6, lines 8-41].

8. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Horton U.S. Patent No. 5,805,203.

As to claim 9, Horton discloses a communication apparatus able to be connected to the Internet through a server connected through a public line network comprising:

recalling means for repeating a connecting request to a desired calling destination when no connection to this calling destination can be performed [column 15, lines 8-28]; and

setting means for individually setting a repeating interval of the connection request by the recalling means depending on whether the desired calling destination is a server or not [column 15, lines 43-46].

As to claim 10, Horton discloses that the setting means sets the repeating interval of the connection request by the recalling means for every individual server when plural connectable servers exist [column 15, lines 8-28].

As to claim 11, Horton discloses a communication apparatus able to be connected to the

Internet through a server connected through a public line network comprising:

automatic receiving means for fetching data stored in the server by periodically

performing connection to the server [column 15, lines 8-28]; and

recalling means for repeating a connection request to a desired calling destination

when no connection to this calling destination can be performed [column 15, lines 8-28],

wherein in a repeating state of the connection request to the desired calling

destination, the recalling means stops the repetition of the connection request to

the desired calling destination being executed when the automatic receiving

means is fetching the data [column 16, lines 1-28].

9. Claims 12-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rai et al U.S.

Patent No. 6,438,110 B1.

As to claim 12, Rai et al discloses a communication apparatus connectable to a storage

device, comprising:

an input section for receiving user inputs of schedule data comprising a

connection attempt start time, a connection attempt end time, and number of

connection attempts data for determining a number of connection attempts

between the start time and end time [column 10, lines 39-62];

a storage section for storing a schedule for attempting to connect to the

storage device based on the input schedule data [column 10, lines 39-62]; and

a control section that automatically attempts to connect to the storage device at times based on the schedule and, if a connection is made, fetches data from the storage device [column 11 line 59 to column 12 line 41].

As to claim 13, Rai et al discloses that the schedule data further comprises inhibit data and the schedule includes one or more time periods during which attempts to connect to the storage device are inhibited based on the inhibit data [column 10, lines 39-62].

As to claim 14, Rai et al discloses that the control section automatically determines the schedule based on the start time, the end time, and the number of connection attempts data [column 10, lines 39-62].

As to claim 15, Rai et al discloses if no connection is made at a schedule time, the control section re-attempts to connect to the storage device at one or more times prior to a next schedule time [column 11, lines 15-58].

As to claim 16, Rai et al discloses the frequency of the re-attempts is based at least in part on whether the storage device is embodied in a server [column 11, lines 15-58].

As to claim 17, Rai et al discloses the re-attempts are ended at the next schedule time [column 11, lines 15-58].

As to claim 18, Rai et al discloses a facsimile apparatus [column 5, lines 32-61].

As to claim 19, Rai et al discloses an internet telephone system [column 5, lines 32-61].

As to claim 20, Rai et al discloses in a multimedia communication apparatus [column 5, lines 32-61].

As to claim 21, Rai et al discloses that the schedule is based on days of the week [column 14, lines 19-39].

As to claim 22, Rai et al discloses that an inhibit flag designates whether or not connection attempts are inhibited on one or more days of the week [column 14, lines 19-39].

As to claim 23, Rai et al discloses that the schedule is based on dates [column 14, lines 19-39].

As to claim 24, Rai et al discloses that an inhibit flag designates whether connection attempts are inhibited on one or more of the dates [column 14, lines 19-39].

As to claim 25, Rai et al discloses that the communication apparatus is connectable to at least one other storage device [column 5, lines 44-61]. Rai et al discloses that the storage section stores respective schedules for attempting to connect to each of the other storage devices [column 5, lines 44-61].

As to claim 26, Rai et al discloses that the number of connection attempts data comprises an interval of time between successive schedule times [column 9 line 59 to column 10 line 39].

As to claim 27, Rai et al discloses that the fetched data comprises e-mail [column 5, lines 32-61].

As to claim 28, Rai et al discloses one or more communication apparatus according to and a server [column 5, lines 32-61].

As to claim 29, Rai et al discloses a method for connecting to a server over a network to fetch data therefrom, the method comprising:

>   receiving user inputs of schedule data comprising a connection attempt start time, a connection attempt end time and number of connection attempts data for determining a number of connection attempts between the start time and end time [column 10, lines 39-62];

storing a schedule based on the input schedule data [column 10, lines 39-62]; and

automatically attempting to connect to the server at times based on the schedule and, if a connection is made, fetching data from the server [column 11 line 59 to column 12 line 41].

As to claim 30, Rai et al discloses a storage device storing computer-executable instructions for performing the method [column 11 line 59 to column 12 line 41].
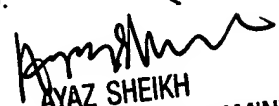
Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
June 10, 2005

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